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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	Case No. 2:08-cr-00161-PMP-GWF
Plaintiff,)	
v.)	MOTION TO APPLY SEIZED ASSETS
)	TO RESTITUTION
CASEY LUCZAK,)	
)	
Defendant.)	

The United States of America hereby moves the Court for an order directing that the Federal Bureau of Investigation (FBI) turn over items seized during the course of investigation in this matter for application to restitution.

Dated this 19th day of July 2016.

DANIEL G. BOGDEN
United States Attorney

/s/ Mark E. Woolf
MARK E. WOOLF
Assistant United States Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

When a district court enters a restitution order, the government acquires a lien against a defendant's property. *See* 18 U.S.C. § 3613(c) ("an order of restitution . . . is a lien in favor of the United States on all property and rights to property of the person fined[.]"). The lien attaches to seized property. *United States v. Mills*, 991 F.2d 609, 612 (9th Cir. 1991) ("[T]he government

1 acquires a lien against seized property when a district court issues a valid restitution order.”). “A
2 restitution order is enforceable as a lien upon *all* of the defendant’s property at the time judgment
3 is entered” and provides a legitimate basis for the court to order that seized property “already in
4 the government’s possession be applied to his restitution.” *Id.*, citing *United States v. Duncan*,
5 918 F.2d 647, 654 (6th Cir. 1990), *cert. denied*, 500 U.S. 933 (1991) (affirming district court’s
6 order that seized property be used to pay off monetary penalties imposed as part of the sentence).

7 On May 27, 2010, the Court entered Judgment against Defendant Luczak, imposing
8 restitution in the amount of \$4,288,158.74. ECF No. 91. During the course of the FBI
9 investigation in this matter, search and seizure warrants were executed resulting in the seizure of
10 \$19,100.00 in U.S. Currency and two \$1,000.00 gaming chips from Rampart Casino. These
11 items remain in the possession of the FBI and are identified as items 1B38, 318B-LV-35286
12 (\$19,100.00 in U.S. Currency) and 1B37, 318B-LV-35286 (gaming chips). A declaration
13 regarding the items is attached to this motion as Exhibit A.

14 The United States has a lien against the aforementioned items as a result of the restitution
15 order, for which there is a substantial balance unpaid. *See* Exhibit B. Consequently, the United
16 States respectfully requests that the Court enter an order directing the FBI to deliver the
17 \$19,100.00 in U.S. Currency to the Clerk of Court in partial payment of the outstanding
18 restitution order. The United States further requests an order directing that the FBI liquidate the
19 two \$1,000.00 gaming chips and deliver the proceeds to the Clerk of Court. A proposed order is
20 attached.

21 Dated this 19th day July 2016.

22 DANIEL G. BOGDEN
23 United States Attorney

24 /s/ Mark E. Woolf
25 MARK E. WOOLF
26 Assistant United States Attorney

CERTIFICATE OF SERVICE

I, Mark E. Woolf, certify that the United States' **MOTION TO APPLY SEIZED ASSETS TO RESTITUTION** was served on all filing parties via the Court's CM/ECF electronic filing system on July 19, 2015. The following individual was served on July 19, 2015 by the below identified method of service:

First Class U.S. Mail:

Casey Luczak
42940-048
USP Hazelton
U.S. Penitentiary
P.O. Box 2000
Bruceton Mills, WV 26525

/s/ Mark E. Woolf
MARK E. WOOLF
Assistant United States Attorney

Exhibit A

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES,

v.

CASEY LUCZAK,

Defendant.

Case No.2:08-cr-00161-PMP-GWF

**DECLARATION OF LILLIAN JORDAN
IN SUPPORT OF UNITED STATES'
MOTION TO APPLY SEIZED ASSETS TO
RESTITUTION**

I, Lillian Jordan, make the following declaration pursuant to 28 U.S.C. § 1746(2):

1. I am a Paralegal Specialist - Forfeiture with the Federal Bureau of Investigation (FBI). I have been employed by the FBI since 2009. For the last eighteen months I have been assigned to the FBI Las Vegas Field Office in the capacity of Paralegal Specialist - Forfeiture. I have received extensive training involving forfeiture matters.

2. I have personally reviewed the FBI investigative case file in an effort to identify assets for use in satisfying Defendant Luczak's outstanding criminal monetary penalties, including restitution.

3. Based upon my review, there is currently \$19,100.00 in U.S. Currency and two \$1,000.00 gaming chips from the Rampart Casino located in the valuable evidence locker of the Las Vegas Office of the FBI. The \$19,100.00 is identified as item 1B38, 318B-LV-35286. The gaming chips are identified as item IB37, 318B-LV-35286.

4. These items constitute evidence seized as part of the underlying criminal investigation and remain in the valuable evidence locker of the Las Vegas Office of the FBI.

I declare under penalty of perjury that the foregoing is true and correct pursuant to Title 28, United States Code, Section 746(2).

Executed on

July 18, 2016

Lillian Jordan
Lillian Jordan

Paralegal Specialist - Forfeiture

Exhibit B

Case

USA V. LUCZAK, CASEY

DNVX208CR000161-001CASEY LUCZAK

Party Code:

CONV001452

Comments:

Date of Conversion: 10-29-2010

Summary Debt Balances

Debt Type	Case Number	Total Imposed	Total Collected	Total Outstanding
SPECIAL PENALTY ASSESSMENT	DNVX208CR000161-001	\$2,400.00	\$2,400.00	\$0.00
VICTIM RESTITUTION	DNVX208CR000161-001	\$4,288,158.74	\$767.71	\$4,287,391.03
Totals		\$4,290,558.74	\$3,167.71	\$4,287,391.03

Offender Payment History

Date	Penalty Type	Case Number	Paid
06/14/2016	VICTIM RESTITUTION(BOP)	DNVX208CR000161-001	\$50.00
05/09/2016	VICTIM RESTITUTION(BOP)	DNVX208CR000161-001	\$50.00
04/11/2016	VICTIM RESTITUTION(BOP)	DNVX208CR000161-001	\$50.00
03/07/2016	VICTIM RESTITUTION(BOP)	DNVX208CR000161-001	\$50.00
02/08/2016	VICTIM RESTITUTION(BOP)	DNVX208CR000161-001	\$50.00
01/11/2016	VICTIM RESTITUTION(BOP)	DNVX208CR000161-001	\$50.00
12/07/2015	VICTIM RESTITUTION(BOP)	DNVX208CR000161-001	\$50.00
11/09/2015	VICTIM RESTITUTION(BOP)	DNVX208CR000161-001	\$50.00
10/13/2015	VICTIM RESTITUTION(BOP)	DNVX208CR000161-001	\$50.00
09/08/2015	VICTIM RESTITUTION(BOP)	DNVX208CR000161-001	\$50.00
08/10/2015	VICTIM RESTITUTION(BOP)	DNVX208CR000161-001	\$50.00
07/13/2015	VICTIM RESTITUTION(BOP)	DNVX208CR000161-001	\$50.00
06/08/2015	VICTIM RESTITUTION(BOP)	DNVX208CR000161-001	\$50.00
05/11/2015	VICTIM RESTITUTION(BOP)	DNVX208CR000161-001	\$50.00
04/10/2015	VICTIM RESTITUTION(BOP)	DNVX208CR000161-001	\$50.00
03/09/2015	VICTIM RESTITUTION(BOP)	DNVX208CR000161-001	\$17.71
03/09/2015	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$17.71
03/09/2015	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$14.58
02/09/2015	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
01/13/2015	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
12/08/2014	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
11/10/2014	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
10/15/2014	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
09/08/2014	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
08/11/2014	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
07/11/2014	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
06/09/2014	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
05/09/2014	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
04/07/2014	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
03/10/2014	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
02/11/2014	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
01/13/2014	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
12/11/2013	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
11/13/2013	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
09/06/2013	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
08/12/2013	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
07/05/2013	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
06/10/2013	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
05/13/2013	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
04/08/2013	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
03/11/2013	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
02/11/2013	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
01/07/2013	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00

12/10/2012	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
11/13/2012	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
10/09/2012	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
09/11/2012	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
08/13/2012	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
07/11/2012	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
06/11/2012	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
05/10/2012	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
04/09/2012	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
03/12/2012	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
02/06/2012	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
01/09/2012	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
12/12/2011	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
11/08/2011	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
10/11/2011	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$50.00
07/11/2011	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$241.00
04/07/2011	SPECIAL PENALTY ASSESSMENT(BOP)	DNVX208CR000161-001	\$101.71
10/28/2010	SPECIAL PENALTY ASSESSMENT	DNVX208CR000161-001	\$25.00
Total Paid			\$3,167.71

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	GMN
)	Case No. 2:08-cr-00161- PMP -GWF
Plaintiff,)	
v.)	PROPOSED ORDER
)	
CASEY LUCZAK,)	
)	
Defendant.)	

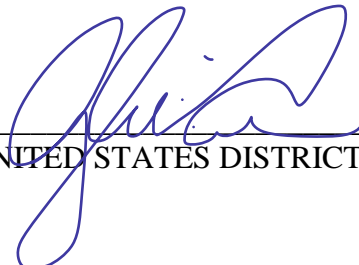
This matter came before the Court on the United States' Motion to Apply Seized Assets to Restitution. Good cause appearing,

IT IS HEREBY ORDERED that the Federal Bureau of Investigation (FBI) deliver to the Clerk of Court the sum of \$19,100.00 in U.S. Currency, which represents funds seized from the defendant during the underlying investigation of this matter that are currently located in the valuable evidence locker of the Las Vegas Office of the FBI.

IT IS FURTHER ORDERED that the Federal Bureau of Investigation liquidate the two \$1,000.00 gaming chips seized in this matter, currently located in the valuable evidence locker of the Las Vegas Office of the FBI, and deliver the proceeds to the Clerk of Court.

IT IS FURTHER ORDERED that the Clerk of Court shall, upon receipt, apply these funds in partial satisfaction of the defendant's outstanding restitution.

Dated this 20 day of July 2016.


UNITED STATES DISTRICT JUDGE